

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SUN CHENYAN,)	
)	
Plaintiff,)	
)	
v.)	No. 19 cv 5705
)	
THE PARTNERSHIPS AND)	Judge Elaine E. Bucklo
UNINCORPORATED ASSOCIATIONS)	
IDENTIFIED ON SCHEDULE "A",)	
)	
Defendants.)	

**PLAINTIFF'S MOTION FOR JUDGMENT ON THE ANSWER OF THIRD
PARTY CITATION RESPONDENT AND TURNOVER OF FUNDS**

Now Comes the Plaintiff, Sun Chenyan, by and through one of its attorneys, Charles E. McElvenny, and in support of Plaintiff's Motion for Judgment on the Answer of Third Party Citation Respondent, Payoneer Inc., and for Turnover of Funds, states as follows:

1. On January 29, 2020, judgment was entered in this Court in favor of the Plaintiff, Sun Chenyan (Plaintiff), and against the Defendants in the total amount of \$650,000. See Schedule A to Exhibit 1 [Docket 42]. Since the date of the Judgment Plaintiff has collected \$2,032.19. There is now due the sum of \$647,967.81.

2. A Citation to Discover Assets to a Third Party was served on Third Party Payoneer Inc. on February 19, 2020. See Citation, attached hereto as Exhibit 2.

3. Payoneer Inc. served its Answer on March 30, 2020, indicating that it is in possession of non-exempt funds belonging to certain Defendants and indicating that \$452.18 in total was being withheld. See Payoneer Inc.'s Answer, attached hereto as Exhibit 3.

4. Supplementary proceedings to enforce a judgment are governed by Federal Rule of Civil Procedure 69(a) which provides that a district court is to use state procedure governing the execution of any such judgment. Fed. R. Civ. P. 69(a).

5. Section 5/2-1402 of the Illinois Code of Civil Procedure provides that when assets of a judgment debtor not exempt from the satisfaction of a judgment are discovered, a court may enter an order or judgment compelling the person cited to deliver said assets. 735 ILCS 5/2-1402.

6. As such, the Plaintiff is entitled to the non-exempt property of Defendants identified in Schedule A of Exhibit 1 in partial satisfaction of the Judgment Balance remaining due.

WHEREFORE, Plaintiff Sun Chenyan, respectfully requests that this Court enter a Judgment on its Third Party Citation and order Third Party Citation Respondent, Payoneer Inc., to turnover to Plaintiff in partial satisfaction of the judgment, the property of judgment debtors identified in Schedule A to Exhibit 1 in the total amount of \$452.18, and for such other relief that this Court deems just and proper.

Respectfully submitted this 8th day of April, 2020.

/s/ Charles E. McElvenny
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